

## EXPLAINS ACTION IN TOBACCO CASE

Attorney-General Williams Tells  
History of Brief Filed in  
Protest.

WICKERSHAM CONSENTED

Virginia Official Defends His  
Course in Opposition to Re-  
organization Plan.

Reply to an editorial appearing in  
The Times-Dispatch yesterday is made  
by Judge Samuel W. Williams, Attor-  
ney-General of Virginia. It is as fol-  
lows:

To the Editor of The Times-Dispatch:  
Sir—In your issue of to-day there  
appears an editorial under the head-  
ing, "The Three Attorneys-General," in  
which, amongst other things, you state  
as follows:

"How did the Attorneys-General of  
Virginia, North Carolina and South  
Carolina get into the American Tobac-  
co case? What authority have they  
from their several States to become  
parties to this affair? Who sent them  
to New York to appear before the  
United States Circuit Court in Wash-  
ington? What authority have they  
for their most unusual and sur-  
prising course? Who is paying the  
expenses of their venture, and why?  
What special clients, if any, do they  
represent, and what for? What particu-  
lar African is ensconced in this  
particular woodpile? What assistance,  
if any, has General Williams, Attorney-  
General of Virginia, rendered to  
the court? And if they had any  
interest in this way, who rendered  
it, and why?"

I am not unmindful of the discor-  
dancy and evident injustice on your  
part in making my conduct in this  
matter the subject of editorial com-  
ment, without first applying to me for  
the facts in the case, and my self-  
defense, and what I have the honor  
to hold, might very well justify me in  
declining to notice your editorial fur-  
ther than to enter my denial of all  
of its uncalculated and unfounded in-  
sults and imputations of improper  
conduct on my part.

Will never answer comments.  
But for the benefit of the tobacco  
growers of Virginia, in whose interest  
this case was primarily taken, I will  
waive all personal considerations and  
will answer fully all of your questions  
on the conduct of myself and the other  
Attorneys-General, with whom I am  
associated in this matter.

First, you ask how did the Attor-  
neys-General of Virginia, North Caro-  
lina, and South Carolina get into the  
American tobacco case? This inquiry might  
be answered in a general way, that we  
were actuated by the same motives  
which prompted the Governors in their  
recent conference in appointing a com-  
mittee to appear before the Supreme  
Court of the United States to assert the  
rights of the State in regard to the  
power to regulate intrastate commerce,  
which had been denied by the judge  
of a United States district court, and  
which strikes at the very root and  
foundation of the rights of the States  
to enjoy local self-government. The  
Attorney-General concluded that the  
more than 600,000 tobacco growers in  
the three States, who produce over

262,000,000 pounds of leaf tobacco, had  
a right to be heard and to be repre-  
sented in a case which vitally affected  
their interest, and which case has for  
its object the destruction of a mono-  
poly in the tobacco trade which had  
for years so grievously oppressed the  
tobacco growers of the three States.

And speaking of myself personally,  
I got into the case in this way: On the  
11th of October, 1911, I received the  
following letter from the Honorable T. W. Bickett, Attorney-General of North  
Carolina:

"Raleigh, October 9, 1911.  
"Hon. Samuel W. Williams, Attorney-  
General of Virginia, Richmond,  
Va.:

"Dear Sir—To my mind it is per-  
fectly plain that the plan of organi-  
zation submitted by the American Tobac-  
co Company will afford no relief  
to the men who grow tobacco. I notice  
that Mr. Brandeis, of Boston, has filed  
a protest against the adoption of this  
plan on behalf of the independent  
tobacco growers. I am, therefore, taking  
for them especially, and I am this day  
writing to the Attorney-General of the  
United States requesting his permission  
to file a protest and brief in behalf  
of the tobacco growers of North Caro-  
lina. I earnestly invite you to unite  
with me in formulating this protest.  
In preparing a brief, provided the At-  
torney-General of the United States  
grants us the desired permission, I  
have written him that I am taking  
this matter up with the Attorneys-  
General of the leaf tobacco States. If  
this suggestion meets with your ap-  
proval, please wire me at once to the  
effect that we may arrange a conference  
in New York the latter part of this  
week or the first part of next.

"Very truly yours,  
"(Signed) "T. W. BICKETT,  
"Attorney-General."

To which I at once sent the following  
letter by wire:

"Richmond, October 11, 1911.  
"Hon. T. W. Bickett, Attorney-General,  
Raleigh, North Carolina.  
"Letter just received. Am in hearty  
accord with you in the objects set  
forth in your letter. Glad to co-operate.  
Can meet in New York for the con-  
ference latter part of this week or  
latter part of next week. Previous en-  
gagement prevents meeting first part  
of next week. Answer.

"SAMUEL W. WILLIAMS,  
"Attorney-General of Virginia."

Wickersham's Consent.  
On the 13th of October, 1911, I re-  
ceived from the Attorney-General of  
North Carolina the following letter:

"Raleigh, October 13, 1911.  
"Hon. Sam'l W. Williams, Attorney-  
General, Richmond, Va.:

"Dear Sir—Your wire received. As  
soon as I hear from the other Attor-  
neys-General I will advise you what  
day we expect to meet in New York.  
I notice in the papers that there is  
to be a meeting on Thursday, the 19th,  
of the interest" opposed to the plan  
of the American Tobacco Company. It  
is a protest without being considered  
discourteous to him.

"Very truly yours,  
"(Signed) "T. W. BICKETT,  
"Attorney-General."

The letter from Attorney-General  
Wickersham, referred to in the above  
letter, is as follows:

"Hon. T. W. Bickett, Attorney-General  
of North Carolina, Raleigh, N. C.:

"I have yours of the 9th instant.  
The newspapers have not published  
anything like an accurate account of  
the plan which, I understand, the Amer-  
ican Tobacco Company is going to sub-

mit. We have had no conference on  
the subject since September 28, and I  
am daily expecting to receive their  
final revised plan in the form in which  
they have decided to submit it to the  
court. I cannot say what my attitude  
with respect to it will be until I see  
the final form. When it is filed you  
will have an opportunity to study it,  
and if you desire to file a petition  
of protest against it, I will be very  
glad, so far as the government is con-  
cerned, to consent to that being done.  
I think the court will take the attitude,  
and that that will be the attitude of  
the government, that it cannot be expected  
to permit technical intervention of par-  
ties not having a direct interest in the  
subject matter, though interested in  
the legal and economic question in-  
volved, but that it will permit them  
to be heard either orally or by writ-  
ten or printed briefs or petitions.

(Signed) "GEO. W. WICKERSHAM."  
Had Learned of Plan.  
And on the 14th of October, 1911,  
I received from the Attorney-General  
of North Carolina, the following let-  
ter:

"Raleigh, October 14, 1911.  
"Hon. Samuel W. Williams, Attorney-  
General, Richmond, Va.:

"Dear Sir—When I wrote you yester-  
day I confidently expected the  
American Tobacco Company to file on  
yesterday its final plan of dissolution  
with the Circuit Court in New York.  
The papers had said that this would  
be done. No plan, however, was filed,  
and, of course, we cannot make a pro-  
test until the plan is submitted to  
the court, and we know definitely what  
it contains. I do not think it will be  
different in real character from what  
has appeared in the papers. I had  
a conference with a gentleman last  
night, who is on the inside, and he  
confirms my views in this respect.  
I have made arrangements to se-  
cure a copy of the plan as soon as it

is submitted to the court. We will  
then arrange a date for a conference  
in New York.

"You will observe that the Attor-  
neys-General of the United States says  
that they are daily expecting to receive  
the final report of the tobacco com-  
pany, but it seems for some reason  
that they are holding up.

"Thinking you for your prompt at-  
tention to our former correspondence,  
and trusting that we may be able to  
do something substantial for our to-  
bacco growing constituents, I beg to  
remain.

"Very truly yours,  
"(Signed) "T. W. BICKETT,  
"Attorney-General."

The subsequent correspondence re-  
lated alone to fixing the time for  
meeting in New York. In the mean-  
time, before going to New York, I  
consulted with the Governor of Vir-  
ginia, and many other citizens of the  
State and sought their advice as to  
the proper course I should take in the  
premises. I was all advised that the  
matter was of such importance that the  
people of this State, that they regard  
it as my duty to attend the con-  
ference and take such action as might  
be necessary to properly represent  
the interest of the tobacco growers of this  
State.

Second, you ask what authority  
have they from their several States  
to become parties to this affair? This  
has already been answered by the At-  
torney-General of Virginia, North  
Carolina and South Carolina.

Sent by No One.  
Third, you ask who sent them to  
New York to appear before the United  
States Circuit Court in Washington  
with which that tribunal has been  
entrusted by the Supreme Court at  
Washington? This query has also  
already been answered. As far as I  
am concerned, no one sent me. I went  
myself in the discharge of what I  
believe to be my duty to the to-  
bacco growers of the State of Vir-  
ginia.

Fourth, what authority have they  
for their most unusual and surprising  
course? I have given you the au-  
thority. I do not regard the course  
pursued by myself and the other At-  
torneys-General as being unusual or  
surprising. The very object of the  
man anti-trust law was to protect  
the public against the oppressions of crimi-  
nal monopoly. The Supreme Court of  
the United States has recently ad-  
judicated that the American Tobacco Com-  
pany was a criminal conspiracy, and  
had also solemnly decided that no  
plan of reorganization could be adopt-  
ed by the American Tobacco Company  
which did not restore actual working  
competition, and I do not regard it  
as being in the unusual or surpris-  
ing that the legal representative of  
the State of Virginia should be will-  
ing to do all in his power to protect  
the legal right of the tobacco grow-  
ers of this State and to render such  
aid as he could towards carrying out  
the decision of the court. Not only  
was the letter received from the At-  
torney-General copied above, but the  
Attorneys-General of Virginia, North

Carolina and South Carolina filed a  
petition before the United States court  
in New York, setting forth the facts  
above stated and asked permission of  
that court to appear and to be heard  
by way of objection to the plan of re-  
organization proposed by the Amer-  
ican Tobacco Company. This leave  
was granted by the court, and this  
should silence all criticisms as to our  
course.

As to Expenses.  
Fifth, you next ask the following  
question: Who is paying the expenses  
of their venture, and why? If you  
mean to insinuate by this question  
that any person, corporation, pri-  
vate interest is paying, directly or  
indirectly, any expenses of the At-  
torneys-General, then so far as I am  
concerned, and as I honestly believe,  
so far as the Attorneys-General of  
North Carolina and South Carolina are  
concerned, this insinuation is not only  
unworthy of a great leading news-  
paper, and of the man who wrote  
this editorial, but is without any  
foundation in fact, whatever. As far  
as my expenses are concerned, I con-  
sulted with the Governor of this State,  
and with many other citizens of this  
State, for whose opinions I have the  
highest regard, and they all agreed  
I thought that this was a case in which  
I should use enough of the contingent  
fund of the office to pay my actual  
expenses to New York to look into  
this matter, I stating at the time that  
if there was any reason why I should  
not do this, then my interest in the  
tobacco growers of the State was  
such that I would pay the expenses  
out of my own pocket. All of these  
gentlemen whom I consulted expressed  
the opinion that I would be justified  
in paying the expenses out of my con-  
tingent fund. I have not as yet drawn  
on the contingent fund for these ex-  
penses, and if you or any other tax-  
payer can point out to me any reason  
why I should not do so, then I will  
pay the expenses out of my pocket.

Sixth, you next ask what assist-  
ance, if any, they have had in the  
preparation of the petition they have  
submitted to the court? And if they  
had any assistance in this way, who  
rendered it, and why, and what for?  
In reply, when we reached New York  
we succeeded in getting hold of printed  
copies of the plan of reorganization  
proposed by the American Tobacco  
Company. After carefully going over  
and studying this plan, we consulted  
with certain independent tobacco man-  
ufacturers, who were there present in  
New York, and with their attorneys,  
and we got information from them as  
to all other sources available to us as to  
the true meaning and probable effect  
upon the tobacco growers of the plan  
of reorganization proposed by the  
American Tobacco Company, and we,  
the Attorneys-General of the States of  
Virginia, North Carolina and South  
Carolina, went carefully over the whole  
matter and discussed it, made full  
notes, and agreed upon our objections,  
or petition, as you call it, and after  
this was done it was agreed that the  
Hon. T. W. Bickett, Attorney-General  
of North Carolina, acting for us, should  
throw the petition in form, which he  
did, and after having been drawn in  
form, was adopted and signed by all  
of us, and acting upon the leave given  
by the court, was filed, a copy of which  
I presume is in your possession. This  
paper represents the work of all three  
of us, and it was inspired by us alone,  
and this is a full and complete answer  
to the suggestion that the petition  
contained in this last question.

Honestly believing that the protec-  
tion of the rights of the tobacco grow-  
ers of the State of Virginia demands  
at my hands as full and thorough  
representation of their interests before  
the court as I am able to give, I shall,  
unless prevented by unforeseen causes,  
go to New York and be present at the  
hearing on the 30th instant, and do  
whatever is in my power to secure for  
the tobacco growers of this State the  
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dered in the suit of the United States  
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tition in fact, and not in name, shall  
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Yours very truly,  
SAMUEL W. WILLIAMS,  
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## A STORE FOR BOYS

That is conducted on different lines—aggressive methods, highest  
standard of quality, lowest quotation of prices, best of service. Com-  
plete satisfaction that leads you to come again and again, and to send  
your friends.

### Boys' Knickerbocker Suits

Sizes 8 to 18 years—A huge, inexhaustible display, newest models, ex-  
clusive styles, finest fabrics, weaves and patterns.

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### Children's Novelty Suits

Russian blouse, sizes 2 1/4 to 7 years. Sailor Blouse styles, sizes 5  
to 12 years. Richest fabrics, naggiest styles and models, a magni-  
ficent display.

\$2.50 up to \$6.75.

### Reefers and Overcoats

A striking display, notable for elegance, extensiveness and variety;  
all the newest models and fabrics, all hefts, lengths and textures.

\$3.00 up to \$12.50.

## BURK & COMPANY

Main and Eighth Streets

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dered in the suit of the United States  
against the American Tobacco Com-  
pany, and which demands that compe-  
tition in fact, and not in name, shall  
be restored in the tobacco trade so far  
as it is in the power of the law to  
restore it.

Yours very truly,  
SAMUEL W. WILLIAMS,  
Attorney-General of Virginia.

## News of South Richmond

South Richmond Bureau,  
The Times-Dispatch,  
1020 Hull Street,  
Phone Madison 125.

Damages amounting to \$200 was awarded  
to the plaintiffs in the suit of the North  
Electric Vehicle Company against P. F.  
Lipscomb, which was heard before Judge  
Wright in Business Court, Part 2, on Wed-  
nesday last. The case will be heard this week. On Monday  
another damage suit against the Virginia  
Railway and Power Company will be tried.  
All cases set for the term will be finished  
on scheduled time. It is thought, as three  
have been settled out of court and the  
suits withdrawn when called.

School Contract Not Let.  
Contrary to expectations the members of  
the school board of Manchester district,  
Chesterfield county, at their meeting yester-  
day at the office of Squire Chestnut  
failed to make the award of the contract  
for the construction of the new \$20,000  
school building which will be erected on  
the Midlothian Turnpike between Swan-  
more and Forest Hill. This action of the  
board is somewhat surprising, as the im-  
pression had prevailed that the meeting  
was merely a formality, and that the  
contract would go to J. A. Curtis, of Warwick  
county, the lowest bidder. As a result very  
few outsiders were present.

All members of the board were on hand,  
and after the meeting a visit to the site  
of the proposed structure was made. The  
location is regarded as ideal. It is in the  
heart of the district, and in the centre of  
the increasing population of the Swan-  
more Heights and Forest Hill. At the present  
time nearly 40 children are attending the  
school, which showed clean until broken up  
to the city because of the small facilities.

Oak Grove Cases.  
To-day in the Oak Grove Court Squire  
Lipscomb heard the case of Squire  
Lipscomb, which has aroused much interest in the county.  
An action in detinue is brought against  
George Faulstich to compel delivery to  
the complainant of a quantity of wood  
alleged to have been taken from his prop-  
erty without his consent by the defendant.  
It is claimed that this has been happen-  
ing for a considerable period. James Ford, ex-  
ercising a power of attorney, appears as  
the complainant.

About a dozen small civil cases will also  
be tried.

Sam Talley, holder of the championship  
belt and title of "Chesterfield Ground  
Shuffler," and Tom Brown, a contender for  
the honor, will answer to the court this  
morning for disturbing the peace by en-  
gaging in a little set-to last Saturday. Sam  
and Tom, while rivals on the flats, were  
good friends until they got on opposite  
sides in the shuffle case. Sam supported  
the Commonwealth and Tom took occasion  
to go on the stand and cast doubt on the  
accuracy of a statement made under oath  
by Sam. A threat was then and there  
made, which, coming to the ears of Judge  
Watson, caused Sam to get a severe lec-  
ture. Had feeling resulted and ended in  
a fight, which showed clean until broken up  
by the ruthless hand of the law.

Convicted for Nonsupport.  
In Police Court, Part 2, H. W. Genery,  
a young white man, recently twenty-one,  
was sentenced to serve twelve months on  
the penitentiary for nonsupport of his wife,  
Maurice. The charge against the boy was  
nonsupport of his wife. His plea was phys-  
ical inability. It is said he left his wife

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by way of objection to the plan of re-  
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paper, and of the man who wrote  
this editorial, but is without any  
foundation in fact, whatever. As far  
as my expenses are concerned, I con-  
sulted with the Governor of this State,  
and with many other citizens of this  
State, for whose opinions I have the  
highest regard, and they all agreed  
I thought that this was a case in which  
I should use enough of the contingent  
fund of the office to pay my actual  
expenses to New York to look into  
this matter, I stating at the time that  
if there was any reason why I should  
not do this, then my interest in the  
tobacco growers of the State was  
such that I would pay the expenses  
out of my own pocket. All of these  
gentlemen whom I consulted expressed  
the opinion that I would be justified  
in paying the expenses out of my con-  
tingent fund. I have not as yet drawn  
on the contingent fund for these ex-  
penses, and if you or any other tax-  
payer can point out to me any reason  
why I should not do so, then I will  
pay the expenses out of my pocket.

Sixth, you next ask what assist-  
ance, if any, they have had in the  
preparation of the petition they have  
submitted to the court? And if they  
had any assistance in this way, who  
rendered it, and why, and what for?  
In reply, when we reached New York  
we succeeded in getting hold of printed  
copies of the plan of reorganization  
proposed by the American Tobacco  
Company. After carefully going over  
and studying this plan, we consulted  
with certain independent tobacco man-  
ufacturers, who were there present in  
New York, and with their attorneys,  
and we got information from them as  
to all other sources available to us as to  
the true meaning and probable effect  
upon the tobacco growers of the plan  
of reorganization proposed by the  
American Tobacco Company, and we,  
the Attorneys-General of the States of  
Virginia, North Carolina and South  
Carolina, went carefully over the whole  
matter and discussed it, made full  
notes, and agreed upon our objections,  
or petition, as you call it, and after  
this was done it was agreed that the  
Hon. T. W. Bickett, Attorney-General  
of North Carolina, acting for us, should  
throw the petition in form, which he  
did, and after having been drawn in  
form, was adopted and signed by all  
of us, and acting upon the leave given  
by the court, was filed, a copy of which  
I presume is in your possession. This  
paper represents the work of all three  
of us, and it was inspired by us alone,  
and this is a full and complete answer  
to the suggestion that the petition  
contained in this last question.

Honestly believing that the protec-  
tion of the rights of the tobacco grow-  
ers of the State of Virginia demands  
at my hands as full and thorough  
representation of their interests before  
the court as I am able to give, I shall,  
unless prevented by unforeseen causes,  
go to New York and be present at the  
hearing on the 30th instant, and do  
whatever is in my power to secure for  
the tobacco growers of this State the  
full benefit of the decision already ren-  
dered in the suit of the United States  
against the American Tobacco Com-  
pany, and which demands that compe-  
tition in fact, and not in name, shall  
be restored in the tobacco trade so far  
as it is in the power of the law to  
restore it.

Yours very truly,  
SAMUEL W. WILLIAMS,  
Attorney-General of Virginia.

The subsequent correspondence re-  
lated alone to fixing the time for  
meeting in New York. In the mean-  
time, before going to New York, I  
consulted with the Governor of Vir-  
ginia, and many other citizens of the  
State and sought their advice as to  
the proper course I should take in the  
premises. I was all advised that the  
matter was of such importance that the  
people of this State, that they regard  
it as my duty to attend the con-  
ference and take such action as might  
be necessary to properly represent  
the interest of the tobacco growers of this  
State.

Second, you ask what authority  
have they from their several States  
to become parties to this affair? This  
has already been answered by the At-  
torney-General of Virginia, North  
Carolina and South Carolina.

Sent by No One.  
Third, you ask who sent them to  
New York to appear before the United  
States Circuit Court in Washington  
with which that tribunal has been  
entrusted by the Supreme Court at  
Washington? This query has also  
already been answered. As far as I  
am concerned, no one sent me. I went  
myself in the discharge of what I  
believe to be my duty to the to-  
bacco growers of the State of Vir-  
ginia.

Fourth, what authority have they  
for their most unusual and surprising  
course? I have given you the au-  
thority. I do not regard the course  
pursued by myself and the other At-  
torneys-General as being unusual or  
surprising. The very object of the  
man anti-trust law was to protect  
the public against the oppressions of crimi-  
nal monopoly. The Supreme Court of  
the United States has recently ad-  
judicated that the American Tobacco Com-  
pany was a criminal conspiracy, and  
had also solemnly decided that no  
plan of reorganization could be adopt-  
ed by the American Tobacco Company  
which did not restore actual working  
competition, and I do not regard it  
as being in the unusual or surpris-  
ing that the legal representative of  
the State of Virginia should be will-  
ing to do all in his power to protect  
the legal right of the tobacco grow-  
ers of this State and to render such  
aid as he could towards carrying out  
the decision of the court. Not only  
was the letter received from the At-  
torney-General copied above, but the  
Attorneys-General of Virginia, North

Carolina and South Carolina filed a  
petition before the United States court  
in New York, setting forth the facts  
above stated and asked permission of  
that court to appear and to be heard  
by way of objection to the plan of re-  
organization proposed by the Amer-  
ican Tobacco Company. This leave  
was granted by the court, and this  
should silence all criticisms as to our  
course.

As to Expenses.  
Fifth, you next ask the following  
question: Who is paying the expenses  
of their venture, and why? If you  
mean to insinuate by this question  
that any person, corporation, pri-  
vate interest is paying, directly or  
indirectly, any expenses of the At-  
torneys-General, then so far as I am  
concerned, and as I honestly believe,  
so far as the Attorneys-General of  
North Carolina and South